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MAR 22 2004

OFFICE OF THE DIRECTOR
TC 3600

Klaus J. Bach
4407 Twin Oaks Drive
Murrysville PA 15668

In re Application of:

Jens Herman Jensen

Application No. 09/590,905

Filed: June 9, 2000

For: LOADING PLATFORM SYSTEM WITH
SLIDE UNIT

DECISION ON THE PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in response to applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on November 17, 2003.

The petition is **DISMISSED**.

A review of the file record reveals that a Final Office Action (hereinafter "Action"), setting a three month time period for reply, was mailed to applicant on March 4, 2003. Since a response to the Action was not received, the application was held abandoned, and a Notice to that effect was mailed on October 1, 2003.

Applicant's petition states that the Action mailed on March 4, 2003 was not received.

There is a strong presumption that Office communication properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

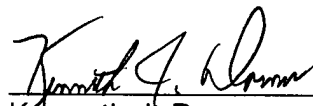
The docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date of June 4, 2003. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993). The practitioner has failed to comply with requirements (2) and (3) indicated above.

With regards to requirement (2), although the petition includes a prosecution data sheet for the application, the petition fails to include a statement by the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

With regards to requirement (3), to satisfy the requirement a docket record showing all actions for all applications due by the practitioner at and around the due date of June 4, 2003 needs to be supplied.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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KJD/mjz: 3/15/04